

House Commerce Committee

Amendment No. 1 to HB1106

Rhinehart
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 181*

House Bill No. 1106

by deleting all of the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-5-101, is amended by adding the following new appropriately designated subsections:

(_) "Authorizing Agent(s)" means a person or persons legally entitled to authorize the cremation of a dead human body or body parts. This term shall not include a funeral director or funeral establishment.

(_) "Cremation" means the heating process by which a human body or body parts are reduced to bone fragments through combustion and evaporation.

(_) "Crematory" means the building or portion of a building that houses one (1) or more cremation chambers used for the reduction of body parts or bodies of deceased persons to cremated remains and the holding facility. "Crematory" includes crematorium.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 5, Part 1, is amended by adding the following language as a new appropriately designated sections:

SECTION _____. (a) A funeral director shall utilize the services only of licensed crematory facilities.

(b) If a funeral director utilizes the services of a crematory outside of Tennessee, the crematory must be a licensed facility of the state in which such crematory is located.

(c) Prior to utilizing a crematory, the funeral director shall:

(1) Determine that the crematory is currently licensed in Tennessee or, if an out-of-state crematory, the state in which it is located;

House Commerce Committee

Amendment No. 1 to HB1106

Rhinehart
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 181*

House Bill No. 1106

(2) Obtain and maintain a copy of such crematory's current license and further maintain a copy of the results of the latest inspection of the crematory by the state in which the facility is located, if such state inspects crematories; and

(3) Deliver a written disclosure to the Authorizing Agent or Agents. Such written disclosure shall, at a minimum:

(A) Include the name, telephone number, and address of the in-state or out-of-state crematory;

(B) Provide for the specific consent of the Authorizing Agent or Agents for the use of such in-state or out-of-state crematory;

(C) Be signed and dated by the funeral director and the Authorizing Agent or Agents; and

(D) Be retained by the Tennessee funeral director at a licensed Tennessee funeral establishment, with a copy provided to the Authorizing Agent or Agents.

(d) A violation of this section shall be punishable only by assessment of a civil penalty for each use of an unlicensed crematory to be imposed by the commissioner after a hearing held in accordance with §62-5-105, notwithstanding the provisions of §62-5-103.

(e)(1) The funeral director shall not be liable for damages in a civil action for any error, inaccuracy or omission of any information delivered pursuant to this section if:

House Commerce Committee

Amendment No. 1 to HB1106

Rhinehart
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 181*

House Bill No. 1106

(A) The error, inaccuracy or omission was based upon information provided by public agencies or by other individuals or entities providing information that is required to be disclosed pursuant to this section; and

(B) The funeral director was not grossly negligent in obtaining the information from a third party and transmitting such information as required under this section.

(2) It is an affirmative defense in any such civil action that the funeral director complied with the requirements of this section upon submitting to the court a copy of the signed consent form and the license and inspection of the in-state or out-of-state crematory used by the funeral director for the cremation of the dead human body or body parts which is the subject of the civil action.

SECTION 3. Tennessee Code Annotated, 62-5-317(b), is amended by adding the following language as a new appropriately designated paragraph:

() Failure to comply with any of the provisions of this chapter or any rule or regulation promulgated or adopted by the board.

SECTION 4. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming law. For all other purposes it shall take effect July 1, 2002 the public welfare requiring it.